

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KENNETH L. HOLLAND,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 05-464-SLR
)	
STANLEY TAYLOR, VINCENT)	
BIANCO, ADAM J. BRAMBLE,)	
MIKE RECORDS, CLINE DANIALS,)	
CINDY SCALA, ROBERT GEORGE,)	
MICHAEL COSTELLO, BARBARA)	
COSTELLO, DEPARTMENT OF)	
CORRECTIONS, KENT RAYMOND,)	
WILBUR JUSTICE, and THERESA)	
DEMARCO,)	
)	
Defendants.)	

ORDER

At Wilmington this ~~16th~~ day of August, 2007,

IT IS ORDERED that:

1. Pursuant to Fed. R. Civ. P. 4(c)(2) and (d)(2), plaintiff shall complete and return to the clerk of the court an **original** "U.S. Marshal-285" form for **the newly added defendants Kent Raymond, Wilbur Justice, and Theresa Demarco**.

Additionally, plaintiff shall provide the court with copies of the complaint (D.I. 2), the amended complaint (D.I. 50), and the court's orders of July 26, 2007 and August 8, 2007 (D.I. 59, 61) for service upon the additional defendants. Plaintiff is notified that the United States Marshal will not serve the complaint until all "U.S. Marshal 285" forms have been received by the Clerk of Court. Failure to provide the "U.S. Marshal 285"

forms for the additional defendants within 120 days from the date of this order may result in the complaint and/or amended complaint being dismissed or defendants being dismissed pursuant to Federal Rule of Civil Procedure 4(m).

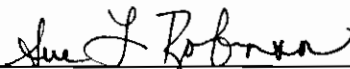
2. Upon receipt of the form(s) required by paragraph 4 above, the United States Marshal shall forthwith serve a copies of D.I. 2, 50, 59, 61, this order, a "Notice of Lawsuit" form, the filing fee order(s), and a "Return of Waiver" form upon the additional defendants identified in the 285 forms.

3. Within **thirty (30) days** from the date that the "Notice of Lawsuit" and "Return of Waiver" forms are sent, if an executed "Waiver of Service of Summons" form has not been received from a defendant, the United States Marshal shall personally serve said defendant(s) pursuant to Fed. R. Civ. P. 4(c)(2) and said defendant(s) shall be required to bear the cost related to such service, unless good cause is shown for failure to sign and return the waiver.

4. Pursuant to Fed. R. Civ. P. 4(d)(3), a defendant who, before being served with process timely returns a waiver as requested, is required to answer or otherwise respond to the complaint within **sixty (60) days** from the date upon which the complaint, this order, the "Notice of Lawsuit" form, and the "Return of Waiver" form are sent. If a defendant responds by way of a motion, said motion shall be accompanied by a brief or a memorandum of points and authorities and any supporting affidavits.

5. No communication, including pleadings, briefs, statement of position, etc., will be considered by the court in this civil action unless the documents reflect proof of service upon the parties or their counsel.

6. The Clerk of Court shall cause a copy of this order to be mailed to Plaintiff.


United States District Judge